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May 2, 2024

By ECF

The Honorable Reed O'Connor
United States District Judge
Northern District of Texas
501 West 10th Street, Room 201
Fort Worth, TX 76102-3673

Re: *Consensys Software Inc. v. Gensler et al.*,
Case No. 4:24-cv-00369-O

Dear Judge O'Connor:

We are counsel to Plaintiff Consensys Software Inc. and write in response to Your Honor's Order of April 26, 2024. Dkt. 13.

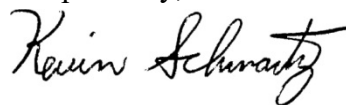
On April 25, 2024, Consensys commenced this action, seeking declaratory and injunctive relief against Gary Gensler, the Chair of the Securities and Exchange Commission ("SEC"), the SEC's four other Commissioners, and the SEC itself (the "Consensys Action"). In the Civil Cover Sheet filed with the Complaint, Consensys identified this action as related to the action captioned, *LEJILEX, et al. v. SEC, et al.*, 4:24-cv-00168-O. This action was originally assigned to Judge Means, who reassigned the case to Your Honor on April 26. Dkt. 11.

On April 26, 2024, the Court issued an Order directing Plaintiff and Defendants to confer regarding whether the Consensys Action should be consolidated with two other actions pending against the SEC, captioned *National Association of Fund Managers, et al. v. SEC*, 4:24-cv-00250-O and *Crypto Freedom Alliance of Texas, et al. v. SEC, et al.*, 4:24-cv-003610-O, and whether the briefing schedule in those actions will also work in this matter.

Plaintiff and Defendants conferred on May 1. The parties agree that the Consensys Action is not related to the *National Association of Fund Managers* action or to the *Crypto Freedom Alliance of Texas* action, so consolidation with those actions would not be appropriate and the briefing schedule in those actions would not be suitable in this matter.

We are available if there are any further questions about the parties' conference on this matter.

Respectfully,



Kevin S. Schwartz